

PTO/SB/21 (04-04)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

		Application Number	09/878,787
		Filing Date	June 11, 2001
		First Named Inventor	Goddard, et al.
		Art Unit	2154
		Examiner Name	Jinsong Hu
Total Number of Pages in This Submission	5	Attorney Docket Number	2186-000002/US

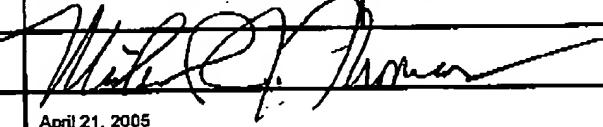
ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

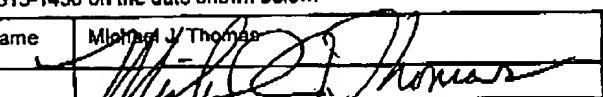
The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Michael J. Thomas	Reg. No. 39,857
Signature			
Date	April 21, 2005		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Michael J. Thomas	Express Mail Label No.	
Signature		Date	April 21, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C.122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1020)

Complete if Known

Application Number	09/878,787
Filing Date	June 11, 2001
First Named Inventor	Goddard, et al.
Examiner Name	Jinsong Hu
Art Unit	2154
Attorney Docket No.	2188-000002/US

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number	080750
Deposit Account Name	Harness, Dickey & Pierce, P.L.C.

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fees under 37 CFR 1.16 and 1.17
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1011 300	2011 150	Utility filing fee	
1012 200	2012 100	Design filing fee	
1013 200	2013 100	Plant filing fee	
1014 300	2014 150	Reissue filing fee	
1005 200	2005 100	Provisional filing fee	
SUBTOTAL (1)		(\$ 0)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20 →	= 0	Extra Claims	Fee from below	Fee Paid
Independent Claims					
Multiple Dependent					

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 380	2203 180	Multiple dependent claim, if not paid ** Reissue independent claims over original patent
1204 200	2204 100	** Reissue claims in excess of 20 and over original patent
1205 50	2205 25	
SUBTOTAL (2)		(\$ 0)

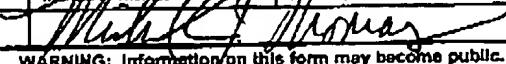
FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1261 120	2251 60	Extension for reply within first month	
1252 450	2252 225	Extension for reply within second month	
1253 1020	2253 510	Extension for reply within third month	
1254 1,580	2254 795	Extension for reply within fourth month	
1255 2,180	2255 1080	Extension for reply within fifth month	
1401 500	2401 250	Notice of Appeal	
1402 500	2402 250	Filing a brief in support of an appeal	
1403 1000	2403 500	Request for oral hearing	
1452 500	2452 250	Petition to revive - unavoidable	
1453 1500	2453 760	Petition to revive - unintentional	
1501 1400	2501 700	Utility issue fee (or reissue)	
1502 800	2502 400	Design issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17 (q)	
1808 180	1806 180	Submission of Information Disclosure Stmt	
9021 40	9021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR § 1.129(e))	
1810 780	2810 385	For each additional invention to be examined (37 CFR § 1.128(b))	
1801 760	2801 385	Request for Continued Examination (RCE)	
Other fee (specify) _____		SUBTOTAL (3)	(\$ 1020)
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3)	(\$ 1020)
4. SEARCH/EXAMINATION FEES			
1111 600	2111 250	Utility Search Fee	
1112 100	2112 50	Design Search Fee	
1113 300	2113 150	Plant Search Fee	
1114 500	2114 250	Reissue Search Fee	
1311 200	2311 100	Utility Examination Fee	
1312 130	2312 65	Design Examination Fee	
1313 180	2313 80	Plant Examination Fee	
1314 600	2314 300	Reissue Examination Fee	
SUBTOTAL (4)		(\$ 0)	

*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete if applicable			
Name (Print/Type)	Michael V. Thomas	Registration No. (Attorney/Agent)	99,857	Telephone	314-726-7500
Signature				Date	April 21, 2005

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/878,787

**RECEIVED
CENTRAL FAX CENTER**

Filing Date: June 11, 2001

APR 21 2005

Applicant: Goddard et al.

Group Art Unit: 2154

Examiner: Jinsong Hu

Title: System and Method for an Application-Space Server Cluster

Attorney Docket: 2186-000002/US (formerly UNL 3055.1)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement mailed December 22, 2004, Applicant provisionally elects the "invention" of Group I (claims 1-2, 7-10, 12 and 17-19) with traverse.

Applicant respectfully submits that the restriction requirement is improper for failing to comply with Patent Office guidelines. Further, examination of all pending claims would not be unduly burdensome on the Examiner for the reasons explained below. Accordingly, the restriction requirement should be withdrawn.

The Patent Office indicated Group 1 (claims 1-2, 7-10, 12, and 17-19) is drawn to a system and method for delivering data to user based on user's request. However, independent claim 20 (Group II) recites a "system responsive to client requests for

Serial No. 09/878,787

Page 1 of 3

delivering data via a network to a client," independent claim 21 (Group II) recites a "method for delivering data to a client in response to client requests," and independent claim 35 (Group III) recites a "system for delivering data to a client in response to client requests." Thus, because independent claims 20, 21 and 35 are each drawn to a system or method for delivering data to a client based on a client's request, these claims (and the claims depending therefrom) should also be included in Group I.

Additionally, independent claims 1 and 17 recite systems that interrelate a dispatch server and network servers as ring members of a token-passing ring network. Therefore, a search and examination of claims 1 and 17 will necessarily overlap with the claims of Group II, which the Patent Office indicated are drawn to a system or method for organizing a ring network and broadcasting messages in a ring network. Accordingly, examining the claims of Group I and II at the same time would not present an undue burden on the Examiner.

Further, independent claims 1 and 17 recite the ring network as being "fault-tolerant." Therefore, a search and examination of claims 1 and 17 will necessarily overlap with the claims of Group III, which the Patent Office indicated are drawn to a system or method for fault detection and recovery in a ring network. Accordingly, examining the claims of Group I and III at the same time would also not present an undue burden on the Examiner.

Further still, claims 27-28 and 32-33 (Group IV) recite additional steps for the method of claim 21, which is directed to organizing servers as ring members of a ring network, detecting a fault, and recovering from the fault. Therefore, these claims should

be examined together with independent claim 21. And as noted above, claim 21 should be examined together with independent claims 1 and 17.

For all these reasons, Applicant respectfully submits that the restriction requirement is improper (see MPEP §806.04), and that examination of all pending claims would not present an undue burden on the Examiner (see MPEP §803). Accordingly, the Examiner is respectfully requested to reconsider and withdraw the restriction requirement.

Respectfully submitted,

By: 
Michael J. Thomas, Reg. 39,857

Dated: 4-21-05

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, MO 63105
(314) 726-7500

Serial No. 09/878,787

Page 3 of 3